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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Fredric Allen & Phyllis Allen,

Plaintiffs,

v.

United States of America, et al.,

Defendants.

Civil No. 3:13-cv-02501-WHO

STIPULATION AND
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE,
PRETRIAL DEADLINES AND
TRIAL DATE

IT IS HEREBY STIPULATED by and between Defendant the United States of America (“United States”),¹ and Plaintiffs Frederic Allen and Phyllis Allen (“Plaintiffs”), by and through its undersigned counsel and pursuant to Fed. R. Civ. P. 16(b)(4) and Local Civil Rule 6-2, that good cause exists and the parties request that the Court continue the case management conference, and pretrial and trial deadlines set forth in the Court’s Order dated September 12, 2013 (Doc. # 12), and state as follows in support:

¹ Plaintiffs have improperly named the “Commissioner of Internal Revenue” as a Defendant. The only proper Defendant in a civil tax refund suit such as this is the United States. *See* 26 U.S.C. § 7422(f)(1).

Pursuant to the Court's September 12th Order, the following schedule is currently in place:

Further Case Management Conference:	Jan. 7, 2014.
Discovery cutoff:	Jan. 31, 2014
Expert Rebuttal:	Jan. 31, 2014
Expert disclosure:	Feb. 14, 2014
Expert discovery cutoff:	Feb. 28, 2014
Motions heard by:	April 16, 2014
Pretrial Conference:	June 23, 2014
Trial:	July 7, 2014

The parties are currently conducting discovery. The United States has produced Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1), disclosed witnesses and documents pursuant to Rule 26(a)(1)(A)(i) & (ii). The United States has also propounded one set of Interrogatories and Requests for Production of Documents to Plaintiffs, and Plaintiffs have served timely responses thereto. The parties are currently attempting to schedule depositions. The parties hereby request an approximately 30 day extension of all existing deadlines, not for purposes of delay, but rather to allow the parties to complete discovery, explore the possibility of a negotiated resolution to this matter, and to prepare dispositive motions, if necessary. Specifically, the parties hereby respectfully request that the Court amend the schedule as follows (with the remaining provisions of the Court's September 12th Order remaining unchanged):

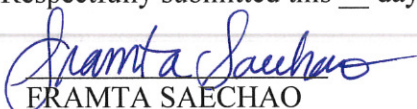
Further Case Management Conference:	Feb. 4, 2014.
Discovery cutoff:	Feb. 28, 2014
Expert Rebuttal:	Feb. 28, 2014

Expert disclosure:	March 14, 2014
Expert discovery cutoff:	March 28, 2014
Motions heard by:	May 14, 2014
Pretrial Conference:	July 28, 2014
Trial:	Aug. 4, 2014

The parties have not previously sought or received any extensions of time in this matter.

WHEREFORE the United States and Plaintiffs hereby respectfully request that the Court extend the deadlines in this case by approximately 30 days, and grant such other and further relief as is just and proper.

Respectfully submitted this 27th day of December, 2013,


FRAMTA SAECHAO

MELINDA HAAG
United States Attorney

Attorney for Plaintiffs Fredric Allen &
Phyllis Allen

MICHAEL G. PITMAN
Assistant United States Attorney, Tax Division

Attorneys for United States of America

~~PROPOSED~~ ORDER

Pursuant to the Stipulation of the parties, and for good cause shown therein, it is hereby ORDERED the deadlines set forth in the Court's Order dated September 12, 2013 (Doc. # 12), are continued as follows:

Further Case Management Conference:	Feb. 4, 2014.
Discovery cutoff:	Feb. 28, 2014
Expert Rebuttal:	Feb. 28, 2014

1 Expert disclosure: March 14, 2014

2 Expert discovery cutoff: March 28, 2014

3 Motions heard by: May 14, 2014

4 Pretrial Conference: ~~July 28, 2014~~ July 14, 2014

5 Trial: ~~Aug. 4, 2014~~ August 11, 2014

6 The remaining provisions of the Court's September 12th Order remain unchanged.

7
8 IT IS SO ORDERED.

9 Date: January 2, 2014



HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE